

FOURTH DAY

(Tuesday, January 17, 1967)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Moore
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Harrington	Wade
Hazlewood	Watson
Herring	Word

Absent—Excused

Grover	Wilson
Hardeman	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Hardeman was granted leave of absence for today on account of important business on motion of Senator Ratliff.

Senator Grover was granted leave of absence for today on account of illness on motion of Senator Ratliff.

Senator Wilson was granted leave of absence for today on account of a death in the family on motion of Senator Aikin.

Presentation of Guests

The President presented as a guest of the Senate today his mother, Mrs. C. M. Mitchell to the Members of the Senate.

Mrs. Mitchell was given a standing ovation by the Members.

The President also presented other

guests of Lubbock present in the Senate today.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 3, In memory of the Honorable R. Wright Armstrong, Jr.

H. C. R. No. 4, Inviting the Honorable Dean Rusk to address a Joint Session of the 60th Legislature in the House of Representatives at 11:00 o'clock a.m. on January 26, 1967.

Music by Triolins of Lubbock

On motion of Senator Blanchard and by unanimous consent the Triolins, an ensemble group of musicians composed of Misses Sally and Mary Kay Manicapelli, Jan Martin, Nancy Brown and Mr. Bernie Howell of Lubbock were requested to entertain the Senate.

After several selections for the pleasure of the Members, the members of the Ensemble were given a round of applause by the Members.

Senator Strong was recognized and he expressed the appreciation of East Texans for the music by the West Texans for the pleasure afforded to the Members of the Senate.

(Senator Aikin in the Chair)

Presentation of Guest

Senator Brooks by unanimous consent presented the Honorable Jack Binion of Houston, a member of the State Board of Education to the Members of the Senate.

Presentation of Guests

Senator Blanchard presented the members of the Coronado High School Band of Lubbock, who have been designated by Lieutenant Governor Preston Smith as his official band in the Inaugural Parade.

Motion to Adjourn

On motion of Senator Hightower and by unanimous consent the Senate agreed to stand adjourned at the conclusion of the Joint Session for the Inauguration of the Governor and the

Lieutenant Governor until 10:30 o'clock a.m. tomorrow.

Announcement

The Presiding Officer (Senator Aikin in the Chair) at 11:25 o'clock a.m. announced the time had arrived for the Members, families and guests to proceed to the south entrance of the Capitol Building for the Joint Session for the Inauguration of the Governor and Lieutenant Governor.

Joint Session

(To Inaugurate the Governor and Lieutenant Governor.)

The Senate met at 12:00 o'clock m. in Joint Session with the House of Representatives in the space reserved for the Legislature adjacent to the platform erected at the south entrance of the Capitol for the Inauguration of the Governor and the Lieutenant Governor.

Governor-elect John Connally and Mrs. Connally, sons, John and Mark Connally, and daughter, Sharon Connally, Lieutenant Governor-elect Preston Smith and Mrs. Smith, Mr. and Mrs. Preston Michael Smith, Miss Jan Smith and Mr. Conrad Schmid, Speaker and Mrs. Ben Barnes, President Pro Tempore William N. Patman and Mrs. Patman, Mr. Robert E. Johnson, Adjutant General Thomas S. Bishop, Dr. Robert Tate, Chief Justice Robert W. Calvert, Dr. Mark Williams, Representative and Mrs. Don Cavness, and Senator and Mrs. Charles Herring advanced to the platform through the Honor Guard of the Ross Volunteers of Texas A & M University standing at attention throughout the ceremony.

The following guests of Governor-elect Connally and Lieutenant Governor-elect Smith were seated at the rear of the platform: Mr. and Mrs. Arno Brill, Mrs. J. B. Connally, Sr., Mr. and Mrs. Merrill Connally, Senator and Mrs. Wayne Connally, Mrs. Blanche Kline, Mr. and Mrs. D. W. Hicks, Mr. and Mrs. W. R. Bryant, Mr. Bill Brill, Mr. and Mrs. Bob Brill, Mr. Stanford Connally, Mr. Golfrey Connally, Mr. and Mrs. Ben Oehlert, Mrs. C. M. Mitchell, Mr. and Mrs. Alfred Smith, Mr. and Mrs. C. W. Daniel, Mr. and Mrs. Herman Freeman, Mr. and Mrs. Albert P. McGuire, Mr. and Mrs.

Sidney S. Smith, Mr. and Mrs. Jude Smith, Mr. and Mrs. Johnson L. Smith, Mr. and Mrs. L. M. Anderson, Mr. and Mrs. Fred G. Parnell, Mr. and Mrs. Paul C. Burke, Mr. and Mrs. Alfred C. Smith, Mr. and Mrs. Ira A. Smith, Mr. and Mrs. Robert W. Kelley, Mr. and Mrs. Charles Daniel, Mr. and Mrs. Perry McGuire, Mrs. Florence Bacon, Mr. and Mrs. T. D. Pannell, Watt Smith, Mr. and Mrs. Vernon Smith, Mr. and Mrs. L. B. Smith, Mr. and Mrs. Howard Smith, Reverend and Mrs. Mark B. Williams, Mrs. Taylor Elmore, Seymour Bates, Mr. and Mrs. Walter Wood, and Mr. and Mrs. Carl Bailey together with elected State Officials, Members of Boards, Judges of the Courts and former Governors Coke Stevenson, Allan Shivers and Mrs. Shivers, Price Daniel and Mrs. Daniel, and Mrs. Dan Moody.

The President Pro Tempore called the Senate to order and announced a quorum of the Senate present.

The Speaker then called the House of Representatives to order and announced a quorum of the House present.

The Honorable Ben Barnes, speaker of the House, announced the purpose of the Joint Session.

The Speaker introduced the Reverend Robert Tate of Austin who delivered the invocation.

The Speaker announced that the Constitutional Oath of Office would be administered to Lieutenant Governor-elect Smith by the Chief Justice of the Supreme Court, Judge Robert W. Calvert.

The Honorable Preston Smith then took the Constitutional Oath of Office and affixed thereto his signature, the oath being administered and the signature attested by Chief Justice Robert Calvert of the Supreme Court.

The Honorable William N. (Bill) Patman, President Pro Tempore of the Senate, then presented the Honorable Preston Smith, Lieutenant Governor of Texas, who addressed the Joint Session as follows:

"Mr. President Pro Tem and Members of the Senate . . . Mr. Speaker and Members of the House . . . Governor Connally . . .

Chief Justice Calvert . . . State Officials and other distinguished guests . . . My fellow Texans:

"This inaugural ceremony gives us time and occasion to reflect upon the pattern of our State government, in which the Governor and Lieutenant Governor have constitutional roles.

"On this platform are representatives of the three branches among which our governmental powers are divided and balanced:

"The Executive, personified by our Chief, the Governor of Texas;

"The Legislative, comprising the distinguished Members of House and Senate here present;

"And the Judicial, symbolized and represented by the Chief Justice of the Texas Supreme Court.

"And then, there is the Lieutenant Governor.

"Nominally an official of the Executive Department, he has no executive duties except when the Governor is out of the State.

"Functionally an agent in the legislative process, as President of the Senate, he is not chosen by the Senate as its leader and he cannot vote except to break a tie.

"Even so, the Lieutenant Governorship is an office of prestige and significance in State government. The incumbent has a practical role in the lawmaking process. I am grateful for the opportunities this office affords for genuine public service.

"If the Lieutenant Governor finds it difficult to pinpoint where his primary duty lies, he has no such problem as to where his responsibility lies. He is responsible directly to the people of Texas who elected him.

"The Lieutenant Governor's duties do not include presenting a legislative program. That is the Governor's prerogative. I shall confine myself to three brief observations about the session we have just begun.

"First, Cooperation.

"To the Governor, the Speaker of the House and the Members of both Houses, I pledge my best efforts to expedite the essential work of this session. Stubborn obstructionism and petty politics have no legitimate place when the State's interests are involved.

"Second, Mutual Respect.

"I hopefully suggest that we move into this hard and disputatious session—as all of them are—remember-

ing that disagreements are not only probable, they are inevitable. And properly so.

"If this session were to be conducted in an atmosphere of sweet and total agreement, it wouldn't be the Texas Legislative way—and it wouldn't be the Democratic system.

"Responsible legislation is hammered out in responsible debate. Controversial questions cannot be settled without some controversy. The right to disagree is fundamental in our system of government. It is a right each of us should demand for himself, and respect for others.

"Finally, an old-fashioned word rarely heard any more in politics and government—the quaint little word economy.

"There is no end to the demands and desires and opportunities the 60th Legislature will have to spend money. To vote for good causes, as urged by influential people, is more pleasant than voting against them. It would be gratifying to leave here knowing we had met every worthwhile request with liberal appropriations.

"But this is not possible.

"I remind you that this country is at war. We have heard the President calling for new taxes to finance that war. We are already paying the barren taxes of inflation. And we know there is a limit, somewhere, to the taxpayer's patience and his ability to pay. So far he has tightened his belt and paid. It is high time for us in government to tighten ours.

"The responsibility of a Legislature is not alone to appropriate money. It also has a duty to decide how much money to spend—or even whether. In this painful process, as well as in providing adequately for State services that cannot be reduced or postponed, I offer my own sympathetic assistance."

Speaker Barnes announced that the Constitutional Oath of Office would next be administered to Governor-elect John Connally by Chief Justice Robert Calvert of the Supreme Court.

The Honorable John Connally then took the Constitutional Oath of Office and affixed thereto his signature, the oath being administered and the signature attested by Chief Justice Robert Calvert of the Supreme Court.

Speaker Barnes then presented His

Excellency, the Honorable John Connally, Governor of the State of Texas, who delivered the following address:

"My fellow Texans. Once again, I assume with pride and humility the sacred trust you have bestowed on me. I shall uphold that trust with all the strength I can muster.

"As we gather here in the shadow of this historic landmark, I cannot help but reflect for a moment.

"No man can wear the mantle of high office that has been my honor without being touched, and indeed sobered by the experience.

"There have been during these years moments of defeat and disappointment.

"And there have been the moments warm with the glow of achievement.

"There has been the loneliness of decision . . . and the drain of human strength it exacts. And occasionally, there has been the pride in judgment vindicated by the flow of events.

"As it must on all men, time has exercised its tyranny on me.

"But the faith of millions of Texans . . . has provided sustenance for my endeavor.

"And if one indelible mark eclipses all others, it is my deep and growing respect for the precious legacy that transcends all governors—something born of men but more than human—the institution of government itself. I cannot help stand in awe of its durability, of its capacity to shield us from our folly, to protect us from our incapacity, to inspire and retain our admiration even when it falls, as occasionally it must, into unworthy hands.

"As we set out to write another chapter in our State's proud history, I think our cause would be served if we considered for a moment this miracle in our lives—government, and its relationship to the people who are its masters.

"You have entrusted to my hands and to the hands of the distinguished Texans who share this rostrum the machinery which must maintain order in our society, and must be relied on to protect from contamination the institutions which we have defended in blood.

"By shaping and altering these institutions, we shall influence and direct every single man, woman, and child in Texas. I am confident that we shall exercise this prerogative

wisely, to add new richness to a good life, to extend by some margin a greater wealth of opportunity to all, to protect our heritage from false prophets and spoilers.

"But as we gather here today with high sense of purpose, it seems to me we face a compelling concern of our time: the urgent need to preserve the precious balance between responsive government and the bold, free spirit of man which produced this most advanced civilization in history.

"There pervades our land today a growing and disturbing doctrine of universality. A relentless cloud of conformity threatens to envelop us. Conformity is urged upon us everywhere, in the name of social order and justice. We are told we must immerse ourselves in the aggregate, must abandon individuality by immersion in the whole. Some have become preoccupied with averages and norms, and some have become obsessed with managing people's lives.

"Order and social progress are the worthy aims of all of us in public service. But while we are motivated by humanitarian instincts, we must not press down on the brow of the individual a system which imposes order at the precious price of mediocrity, and results in a society of orderly and uncomplaining, but senseless and mindless mass.

"We all aspire to progress. We all want greater states and greater cities, higher standards of living for more and more people, the ultimate in tangible achievements in every form.

"But we are not now . . . nor shall we ever be . . . perfect. Whatever our aspirations, and however great our dedication, we are but men.

"And in our well-intentioned zeal to improve the quality of life, we must at all costs avoid imposed conformity.

"Rather, we must keep the door open to human adventure, and reinforce the daring of the individual.

"Within the wide confines of our splendid institutions, we must be free to experiment. We shall seek with all the resources of human ingenuity for the quality of life. We shall never quite find it, for our reach will always exceed our grasp. But this is the essence of the meaning of being

free men—to be free to experiment. We must be free to develop our own style and to reach for the moon so long as we do not tread on our neighbor's lawn. We must be free to travel our own road whatever destiny may lie in wait for us. For our birthright is the infinite variety of human kind.

"When experimentation and aspiration are stultified by the heavy hand of government, the very vitality of our people is destroyed. We have robbed the individual of a climate where imagination and ingenuity can have free play. And we do grave injustice to an unbounded faith in people themselves.

"In one of our nation's most trying hours, a great president once enunciated four great freedoms.

"In our age of growing complexity, surely man is entitled to other compelling freedoms: Freedom to dream. Freedom to venture. Freedom to work. Freedom to think. Freedom to be an individual.

"A man should have the freedom to seek great riches. He should have the freedom to espouse great teachings. He should have the freedom from group oppression. And he should have the freedom to live in modest means with tranquility and serenity, if that be his choice. He should not be reduced to a common denominator, to an average. For the truth is, there is no average of ambition, no average of determination, no average of faith.

"We recognize no average man. They were not mediocre men, shackled to conformity and drained of their daring and spirit, who carved this State and this Nation out of the wilderness.

"They were uncommon men who wrote and then boldly signed the Declaration of Independence in Philadelphia in 1776.

"They were uncommon men who ventured, despite crushing hardships and fear and disaster, to subdue the limitless vastness of the American West.

"They were uncommon men who dared dream of a new life on the Texas frontier more than a century ago, and then died at the Alamo, and at Goliad, and at San Jacinto for that dream.

"They were uncommon men who settled this community on the banks

of the Colorado, and who built this magnificent seat of government.

"They were uncommon men who built the great cattle and oil industries of Texas and left behind a legacy of wealth and power for all of us.

"And they were uncommon men too who dreamed and failed before us. The lonely sod-busters of the high plains who struggled with nature against cruel odds. Poor, fractious, quarrelsome, often ungovernable, they were nonetheless self-reliant and determined. They lived hard, unsentimental lives and asked nothing. They left us not material wealth, but a Texan spine of flint to sustain adversity.

"Here on these hallowed grounds, we are in the shadow of glories of strong men of another day. All around us stand majestically the tributes to the courage and dreams of Texans before us.

"But there are no monuments here to mediocrity.

"They are monuments to the will of man to shape his own destiny, to dream his own dreams . . . to reach for his own stars.

"As we resume the journey here together today, they stand as inspiration to us in our own undertakings. Let us resolve as we begin our work once again to measure up to the daring and to the vision of these great Texans before us. Let us dream the dreams and attempt the deeds of uncommon men.

"For with all the resources that are ours, none is so precious as the indomitable spirit of Texans. It, and it alone, can provide us the strength to meet the challenges to come.

"Regardless of our other endeavors, we must preserve and nurture that spirit . . . for that spirit is the very essence of the opportunity of free men.

"And we will preserve that spirit . . . to keep faith with our heritage, and to keep faith with the future."

The Speaker presented Dr. Mark Williams of St. Johns Methodist Church of Lubbock, who delivered the benediction.

The Speaker then announced that The University of Texas band would play "The Eyes of Texas" and "Texas Our Texas."

At the conclusion of the renditions by the band, the President Pro Tempore announced that the purpose of the Joint Session having been concluded, the Senate at 12:32 o'clock p.m. would stand adjourned until 10:30 o'clock tomorrow on motion previously adopted by the Senate.

Welcome Resolutions

S. R. No. 20—By Senator Jordan: Extending welcome to members of the

Student Council of the E. O. Smith Junior High School of Houston.

S. R. No. 21—By Senator Watson: Extending welcome to Mr. and Mrs. N. O. Bryson and their son, Mitch Bryson.

S. R. No. 22—By Senator Word: Extending welcome to Rodrigo Villamizar of Colombia, South America, Mr. and Mrs. Bill Jamar and Dr. and Mrs. Ned Snyder of Brownwood.

In Memory of
Former Governor Dan Moody

Senator Herring offered the following resolution:

(Senate Concurrent Resolution 4)

Whereas, In the passing of Governor Dan Moody on the 22nd day of May, 1966, at the age of 72, the State of Texas lost a dedicated public servant and one of its most able jurists; and

Whereas, A native of Williamson County, Texas, and a graduate of the University of Texas School of Law, his effective prosecution of the law while serving as Williamson County Attorney brought his talent and capabilities to the attention of the public and launched his political career on a statewide basis; he was elected Attorney General of Texas at the age of 31 and then succeeded to the Governor's office at the age of 33, thus becoming the youngest Governor in Texas history; and

Whereas, During his two terms as Governor of Texas, his tenure was marked by tremendous progress in many fields, including a complete reorganization of the State highway system, the formation of the office of State Auditor along with an orderly system of auditing of State books, and the strengthening of public school education; and

Whereas, At the close of his second term as Governor, he chose to retire from public office and devote himself to the private practice of law; and

WHEREAS, Governor Moody was a brilliant attorney who possessed a tremendous drive and passion for work, never exacting of others more than he demanded of himself, and dedicated himself to the principles of his profession and to the service of his community and state, and his outstanding contributions as a public servant and as an attorney will long be remembered by the citizens of Texas; and

Whereas, He is survived by his widow, Mildred Paxton Moody; a son, Dan Moody, Jr.; a daughter, Nancy Moody Hudson; and a sister, Mary Moody; and

Whereas, It is the desire of the Senate to recognize the service of this distinguished Texan to his State and to the jurisprudence of Texas and to express its sympathy to the surviving members of his family; now, therefore, be it

RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That it does hereby acknowledge its debt of gratitude for his service and its sympathy to the members of his family, and that copies of this Resolution be sent to members of the family by the Secretary of the Senate, under the seal of the Senate, and that a page in the Journal be set aside for this Resolution and that when the Senate adjourns today, it do so in honor of Governor Dan Moody.

**HERRING
HARDEMAN**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Bernal, Berry, Blanchard, Brooks, Christie, Cole, Connally, Creighton, Grover, Hall, Harrington, Hazlewood, Hightower, Jordan, Kennard, Mauzy, Moore, Parkhouse, Patman, Ratliff, Reagan, Schwartz, Strong, Wade, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.